

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
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Frequently Asked Question (FAQ) Regarding Agents and Brokers (Including Web-brokers) and Federally-facilitated Marketplace (FFM) Online Consumer Functionality

Q: Are agents and brokers permitted to use FFM online functionality that is designed for consumer use only such as the plan shopping and enrollment functions?

A: No. Agent/broker use of the consumer plan shopping and enrollment functions on the FFM is prohibited because agents and brokers may not assist consumers using consumers' online FFM accounts. These functions are designed for consumer use only, and only consumers may access those functions using their consumer accounts. CMS has previously provided guidance that documents how agents and brokers who are registered with the FFM may assist consumers with the FFM enrollment process via two options: (1) the Direct Enrollment pathway, through which the agent/broker can use an issuer's or WBE's website to assist a consumer; or (2) the Marketplace pathway, using a side by side model, through which the agent/broker can help a consumer using the Marketplace website. (See "Role of Agents, Brokers, and Web-brokers in Health Insurance Marketplaces," last revised Nov. 7, 2014, available at http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/May_1_2013_CCIIO_AB_-_Guidance_110414_508.pdf.) This guidance was clear that agents and brokers are required to use their own FFM user IDs and accounts when assisting consumers to enroll in qualified health plans using the Direct Enrollment pathway. The guidance also explained that agents and brokers assisting consumers using the Marketplace pathway side by side model should not have independent access to consumer's FFM online user IDs, passwords and accounts. Agents and brokers therefore are not permitted to use direct URL access and/or any other pathways or methods of enrollment that would allow them access to consumer online accounts and consumer-specific functions. This is applicable during open enrollment and special enrollment periods.